19/4

**Department of** Lands & Survey & Settlement

**OFFICE** of the Board of Review

**STATION** Masvingo

Mis **No.** 1345

**Dated** 20. 5. 40

21 March

Pages in the file 1246

**(SUBJECT.)**

Government - Russell - (South Kaniasa) - Reclassification of ... arable dry lands converted to garden & wet ... Principles to be adopted.

F1576 3

South Kanara Collector's office,

Mangalore, 20th March 1939.

Khan Bahadur Sharif Ahmad Ali Sahib Bahadur,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement.

Sir,

Settlement - Re-settlement - Reclassification of Government Assessed waste Dry converted into Garden - Principles to be adopted - Instructions - Solicited.

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I request the Board's instructions regarding the principles to be followed in the matter of reclassification of Government Assessed waste Dry land converted into Garden during the currency of re-settlement.

2. I find that the instructions issued in this regard after the close of the re-settlement operations are not clear and specific. In paragraph (4) of the Memorandum for the guidance of the Revenue Department communicated in G.O. No.47 Revn., dated 4.2.1937, it has been laid down that Assessed Waste Dry Land brought under permanent cultivation should be classified and assessed at the 'appropriate' rates. It is not clear from this whether the criterion for fixing the rates of assessment of Gardens is the one adopted at the Settlement of 1902 or at the recent re-settlement. In the case of Occupied Dry land converted into Garden, the rules as laid down in paragraph 22 of the Re-settlement Instructions approved by Government in G.O.No.42, dated 8.1.1926 are that the re-settlement principles should be adopted. Under this, the rate to be adopted for a new Garden is the lowest of the rates of the adjoining Gardens, or where there is no adjoining Gardens, the lowest

village, and where the application of the rules produces a rate which is definitely higher than, what on its merits the new garden would deserve, the lowest adjoining garden rate will be waived in favour of a more suitable rate. At the Settlement of 1902 the rate was fixed entirely with reference to the soil classification and the number of fruit bearing trees on the land. This latter principle has, however, been ordered to be followed in the case of porambokes and unassessed lands, which have come under occupation subsequent to re-settlement and are found to be fit for registry as gardens - please see G.O.No.727 Mis.Rev., dated 3.4.1937 communicated with Board's Reference 1210/37 Confdl., dated 15.4.1937.

3. The choice thus lies between these two principles enunciated above. From the point of view of assignment of lands which are at the disposal of Government there should be little or no difference in the treatment of Poramboke and unassessed lands on the one hand and Assessed Waste Dry lands on the other. But, considering the nature of the soil, productivity etc., Assessed Waste lands should be regarded as more or less similar to occupied Dry lands and it seems to me that all Government dry lands whether occupied or not should be treated alike. During the re-settlement a departur was made from the principles adopted at the Settlement, apparently to show some concession to the ryots and I consider that Government Assessed Waste Dry lands converted into garden, should, like occupied dry lands, be reclassified as garden in accordance with the re-settlement principles. As regards conversions into wet the concession shown in regard to occupied lands similarly converted permitting the imposition of the appropriate wet rate only in the fifth year after the conversion is made should also be made applicable. The instructions communicated in B.P.47, dated 4.5.1937 indicate to some extent that this principle is intended to be followed but, as the matter is not quite free from doubt, I request the favour

of definite orders from the Board.

Collector.

H.S. (Settl.) (TA) H. 5

C.F.16.

**DRAFT FOR APPROVAL.**

| | Date. | Initials. |
|---|---|---|
| When received for fair copying | 15/4 | |
| When copied .. | 20.4.39 | |
| When examined .. | 20.4. | |
| When signed .. | DESP. | |
| When despatched. | 21 APR 1939 | |

SUBJECT:— Settlement. Result. (S. Kanara) - Govt. assessed waste dry lands converted to garden lands reclassification principles to be adopted.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. _____ From the _____, No. _____, dated _____ 19____.

" F.1576/39 Collr. of S. Kanara " Nil dt. 28-3- 1939 — Q.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution — Ms. / Rout. No. _____, dated Ref. F.1576/39, 18/5-4- 1939.

Rr to the Collr.
DR 16/5

Forwarded to the Collr. of Malabar for remarks with reference to the practice obtaining in his dt. in regard to the reclassification of Govt. assessed waste dry lands converted to garden land.

DR 5/4
hdd 13/4/39

Submitted

To the Collr. of Malabar with the letter in original to be returned.

Pl. see
Indent

F 554

D.Dis. 3997. 39. Malabar Collector's office,
Calicut. 15.6.1939.

From

S.Y. Krishnaswami Esq., I.C.S.,
Collector of Malabar, Calicut.

To

The Secretary to the Board of Revenue,
Land Revenue and Settlement, Madras.

Sir,

Settlement-- Resettlement- Government assessed waste dry lands-- conversion to garden and wet-- reclassification-- principles. Board's Ref. F. 1576. 39.1. dated 15.4.1939.

There are very few Government assessed waste dry lands in this district. The procedure followed in reclassifying those that exist are the same as those followed in the case of old holding dry lands except that conversion to wet has, since the receipt of B.P. Mis. 1172. dated 28.4.1939, been ordered to be done forthwith instead of in the fifth year. The rates levied in the case of Government lands are, new holding rates. A copy of the Collector's standing orders on the subject is submitted herewith for the Board's information the orders are followed strictly in this district.

6/39

For Collector.

2. Transfer of dry lands to wet or garden or vice versa. (1) Transfer of dry lands to wet:- In the fifth year after a dry land has been converted into wet, it should simultaneously be reclassified as wet and charged at wet rates. Wet cultivation in unoccupied dry lands is permanent occupation and all such cultivation should be transferred under this standing order, butthe transfer will be to occupied dry in the first instance; this does not affect the occupation of dry land as seed-bed, which is free of charge. Where only portions of survey number or subdivision are so cultivated, the cultivated portions unless they are so small in extent that their separate subdivision and registry would necessitate the creation of unnecessarily small subdivisions, should be subdivided and transferred to wet. As a general rule, no portion of a survey number or subdivision which is less than 10 cents in extent should be subdivided for the purposes of this rule: but in exceptional cases Revenue Divisional Officers may use their discretion and depart from this rule if such a case is found to be necessary. The new wet fields should be assessed on the basis of the adjoining wet single or double crop fields, as the case maybe, of the same level, soil and bearing capacity. Similar land is land of roughly the same outturn. In Malabar, lands on the same level are usually of the same quality. The rate of the adjoining wet lands should not be adopted, unless these lands are of a similar quality.

(2)(a) Transfer of dry lands to garden:- Garden land has been definied in paragraph 14 of the resettlement notification When dry lands are converted into garden, they should be reclassified as garden. Dry lands which are to be reclassified as new gardens, solely or mainly because they contain jack trees, should be placed in the two lowest tarams, the rates of assessment for which are Rs.2.6.0 and Rs.1.3.0 per acre. The higher rate should be applied to mixed gardens in the better localities

and the lower rate should be applied to gardens which are inferior or less favourably situated. As regards new gardens solely or mainly containing coconut and arecanut trees, the rate to be adopted should be the rate of the adjoining garden land or where there are more rates than one the lowest of such rates, and where there are no garden lands adjoining the lowest garden rate in the village, subject to the ~~xxxxxxxx~~ proviso that where the application of these rules results in a rate lower than the existing dry rate on the land, the next higher garden rate should be adopted.

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Collector.

[CAH] 11

C.F. 16.

**DRAFT FOR APPROVAL.**

| | Date. | Initials. |
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| When received for fair copying .. | 20/5/40 | CKP |
| When copied .. | 20/5/40 | ~~MBP~~ |
| When examined.. | | |
| When signed | 20/5/40 | CKP |
| When despatched. | | |

SUBJECT :—

Sett. Reset. (South Kanara) - Reclassification of assessed waste dry lands convert to garden + wet - Principles to be adopt

P-3 CF READ AGAIN Letter fm the Collr. of South Kanara dated South Kanara no nil dt 20.3.1939 Q

1 CF " " do " Madras Dis 3997/39 dt 19 15.6.39 Q

READ *ALSO* :—

No. _____ From the _____, No. _____, dated _____ 19 _____

" _____ " _____ " _____ " _____ 19 _____

" _____ " _____ " _____ " _____ 19 _____

~~Order~~ / Resolution ~~Rout.~~ Ms. No. 1344, dated 20 - 5 - 1940

The Collr of South Kanara is informed that the principles of reclassification laid down in the Resett. Notification can be applied only to occupied dry lands which were improved by the registered holders or their tenants & converted to garden during the currency of the settlement ⊕ An assessed waste land is one not included in holding & the question of its reclassification as garden or wet will not arise unless the occupation continues to be booked in B. Rems. & the land is proposed to be assigned as garden or wet even though it stands registered

⊕ which was supersede by the ~~last~~ recent Resett.

as A.W. dry, because, during the period of his occupation, the encroacher has converted it into a garden or wet lands, as the case may be. Assessed waste dry lands should therefore be treated in the same way as poramboke & unassessed lands if they are assigned as wet or garden ie the classification & assessment should be made strictly on merits in accordance with the principles adopted at the initial settlement.

2/ As regards the levy of wet assessment in the case of A.W. dry lands converted to wet, the attention of the Collr is invited to G.O. (Ms) No. 112 Rev dt 13.4.1938. read with G.O. Ms 1172 dt 28.4.38.

5/5 [illegible] 17/5/40

Settlement. Resettlement. (S. Kanara)

Reclassification of assessed waste dry lands converted to garden and wet. principles to be adopted.

pp 1-3 c/f — F 1576/39 from the collr of S. Kanara

p 5 c/f — Issued as Bd's reference F 1576/39-1 dy 1134.

pp 7-10 c/f — F 3547/39 from the collr of Malabar.

Papers pertaining

Govt No 2717 Revn dy 22.12.38 (G) — To As (Sett)

BP Press 3 dy 16/1/35 (C)
BP misc cmtd 786 dy 6 3/3 (S)
BP misc cmtd 1210 dy 15 4/3 (Z)
BP Press (47) dy 453 (T)
BP Rh 4106 cmtd dy 3.9.37 (R)
BP Mis 1172 dy 28.4.39 (N)

The correspondence in the current file is for perusal

2. The collr of S. Kanara solicits instructions on the principles to be adopted in assessing 'assessed waste' dry lands converted to wet or garden during the currency of the resettlement. They are dealt with below:-

(i) Assessed waste dry lands converted to garden.

In regard to the occupied dry lands converted to garden during the currency of the resettlement, the principles enunciated in paragraph 22 of the resett notification are followed while in the case of unassessed and puramboke lands converted to garden, the principles adopted at the original Settlement viz assessment with reference to the quality of the soil for garden purposes, The distances

p 9 c/f of (C)

from markets and the number of fruit bearing trees are to be taken vide para 1 of GO No 727 Rev dt 3.4.37 and BP Rt 4106 Confl dt 3.9.37. The reasons for adopting a different procedure in the case of unassessed and unbroke fields have already been explained by the Collr of Malabar in his letter at pp 1-2 of BP Misc Confl 1210 dt 15.4.37. The Collr of Malabar seems to hold that assessed waste dry lands and unassessed waste occupied dry lands should be treated alike for purposes of reclassification into garden. The Collr of Kanara is of the same view and states that from the point of view of assignment there should be no difference in the treatment of peramboke and unassessed lands on one side and assessed waste dry lands on the other and assessed waste dry lands should be regarded as more or less similar to occupied dry lands and that therefore they should be reclassified as garden in accordance with the recent principles applicable to occupied dry lands. It is seen from the report of the Collr of Malabar that in the very few cases of assessed waste dry lands in the Malabar Dt, the principles followed in reclassifying them as garden are those that are adopted for occupied dry lands. Therefore it would appear that reclassification of assessed waste dry lands in the Kanara Dt should be made

(2) p 9 of (2)
pp 3-6 of (R)
(2)
para 4) at p 2 of (2)
para 3 at p 4 of
p 7 of

on the lines followed in the case of occupied dry lands. Paragraph 1 of the memo of instructions issued for the guidance of the Rev Deptt makes it clear by the use of the term 'all dry lands' that there should be no difference between the principles followed in reclassifying occupied dry lands converted to garden on one side and those followed in reclassifying assessed waste dry lands on the other. In the circumstances it is for orders whether the Collr of S. Kanara may be informed that similar principles should be adopted in reclassifying assessed waste dry lands converted to garden during the currency of the resettlement as No specific orders of the Govt seem necessary in the matter. A copy of the proceedings may be marked to them if considered necessary.

this also. p367 of (T)

has

See at the end.

Not necessary, there being no departure from any rule or practice has

(ii) Assessed waste dry lands converted to wet

As regards these lands, the Collr of S. Kanara considers that the concession shown in Govt No 270 Rev dy 1.2.37 to occupied dry lands similarly converted to wet permitting the imposition of the appropriate wet rate only in the fifth year after the conversion is made, should also be made applicable. The Govt have in their order No 912 Rev dy 13.4.39 recently subsequently directed that the concession should not be

para 8 at p508 (S)

p1707 of (N)

applies to ~~assessment~~ such lands.
The attention of the Govt may be drawn to GP
No's 117.2 & 28.4.39. with which the Co. was
Commu

GPR
13/7 13/14/7 hvs 20/7/39

The proposal in the O.N. re
conversion to garden is illogical.
An A.W. land is one not included
in holding (patta) & the question
of its reclassification as garden or
wet will not arise unless the
~~land~~ ~~ties~~ occupation continues to
be booked in B. Memo and
~~it is prop~~ the land is proposed
to be assigned ~~it~~ as garden or
wet even though it stands
~~regar~~ rated as dry ca
during the period of his occupat
the encroacher has converted
it into a garden or wet land,
as the case may be. Then the prin
of reclassification laid down in the
Govt notification can be applied
only to lands occupied dry lands
which were improved by the
rgtd holders or converted to
garden during the currency of the

AS/Sett 1

BBRic 1344 dg 20.5.40
Single Number
~~Full~~ Board

| I.A. | A.D.S. and L.R. | Assistant Secretary | | | Jt. Secy. | Secy. | M-4 | M-5 | M-2 | M-1 |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Land Rev. | Settle-ment. | Sep Rev. | | | | | | |

1. Open file seen by
2. Final draft seen
3. Now circulated to
4. Initials.

Passed for record.

Secretary.
Joint Secretary.

A.S. (C.W.).
A.S. (L.R.).
A.S. (Sett.) hab 22/5/40
A.S. (Excise).
A.D.S. & L.R.
I.A.